UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,298	03/07/2001	Michael J. Mahoney	705441US1RAF	3807

24938 7590 10/19/2006	EXAMINER	
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION	FRENEL, VANEL	

ART UNIT	PAPER NUMBER
3626	

CIMS 483-02-19
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AUBURN HILLS, MI 48326-2757

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr>
<td rowspan="2">Office Action Summary</td>
<td>Application No.
09/801,298</td>
<td>Applicant(s)
MAHONEY ET AL.</td>
</tr>
<tr>
<td>Examiner
Vanel Frenel</td>
<td>Art Unit
3626</td>
</tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 July 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the Appeal Brief filed on 7/27/06. Claims 1-

18 are pending.

2.   In view of the Appeal Brief filed on 7/26/06, PROSECUTION IS HEREBY

REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply

under 37 C.F.R 1.113 (if this Office action is final); or

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied

by a supplement appeal brief, but no new amendments, affidavits (37 C.F.R 1.130,

1.131 or 1.132) or other evidence are permitted. See 37 C.F.R 1.193) (b) (2).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Abdel-Malek et al (6,959,235) in view of Sampath et al (6,892,317).

(A)   As per claim 1, Abdel-Malek discloses a computer-implemented vehicle repair

claim processing method having a computer system, comprising the steps of: receiving

with the computer system repair claim data related to repair of a vehicle (See Abdel-

Malek, Col.19, lines 1-18); having the computer system determine at least one response

to the input repair claim data based upon the received input repair claim data by using

expert rules stored in a knowledge based system of the computer system (See Abdel-

Malek, Col.21, lines 8-52), having the computer system make said expert rules being

accessible by a user in a high level computer expression format (See Abdel-Malek,

Col.5, lines 4-10).

Abdel-Malek does not explicitly disclose said repair claim expert rules including

repair claim-related premises and repair claim related actions, wherein the computer

system uses at least one of the repair claim-related premises to determine whether a

preselected repair claim-related action should be executed based on the received repair

claim data and generates a claim-related response based on said preselected repair

claim–related action.

However, these features are known in the art, as evidenced by Sampath. In

particular, Sampath suggests said repair claim expert rules including repair claim-

related premises and repair claim related actions, wherein the computer system uses at

least one of the repair claim-related premises to determine whether a preselected repair

claim-related action should be executed based on the received repair claim data and

generates a claim-related response based on said preselected repair claim–related

action (See Sampath, Col.8, lines 48-67 to Col.9, line 3).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the feature of action determined by a diagnostic server, and

the transmission of specific data types directly or indirectly to one or more of a service

provider and /or parts/consumables supplier, the appropriate assistance, repair, parts

and /or suppliers are provided to the electronic system(s) which is predicted to fail or

has failed (See Sampath , Col.3, lines 11-16).

(B)   As per claim 2, Abdel-Malek discloses the method wherein the repair claim data

includes dealer involved in the repair, vehicle identification number of the vehicle to be

repaired, parts involved in the repair, and labor operation data (See Abdel-Malek, Col.1,

lines 12-30).

(C)   As per claim 3, Abdel-Malek discloses the method further comprising the steps

of: accessing a database to retrieve information related to the vehicle to be repaired

(See Abdel-Malek, Col.8, lines 1-49).

(D)   As per claim 4, Abdel-Malek discloses the method further comprising the steps

of: having the computer system evaluate a repair claim by using a plurality of repair

claim –related expert rules to evaluate a repair claim (See Abdel-Malek, Col.5, lines 1-

18); having the computer determining that at least one of the rules requires additional

data related to the repair (See Abdel-Malek, Col.543-65); having the computer system

accessing a database to retrieve the additional data (See Abdel-Malek, Col.6, lines 52-

67).

(E)   As per claim 5, Abdel-Malek discloses the method wherein the repair claim data

includes dealer involved in the repair, vehicle identification number of the vehicle to be

repaired, parts involved in the repair, and labor operation data (See Abdel-Malek

Col.10, lines 7-53), said labor operation data being indicative of the labor involved in the

repair, said method further comprising the steps of: having the computer system use a

plurality of repair claim –related expert rules to evaluate a repair claim (See Abdel-

Malek, Col.10, lines 26-59); having the computer system determine via the repair claim-

related expert rules that an inconsistency exists based upon the labor operation data

(See Abdel-Malek, Col.12, lines 45-67).

(F)   As per claim 6, Abdel-Malek discloses the method wherein the repair claim data

includes warranty data related to the repair, said method further comprising the steps of:

having the computer system use the plurality of repair claim–related expert rules to

evaluate the warranty data related to the repair (See Abdel-Malek, Col.13, lines 33-44);

having the computer system provide a response to an user that is indicative of whether

the repair is covered by warranty based upon evaluation by the repair claim-related

expert rules (See Abdel-Malek, Col.10, lines 26-59).

(G)   As per claim 7, Abdel-Malek discloses the method further comprising the steps

of: having the computer system use a lower level representation of the repair claim-

related expert rules when the at least one of the repair claim-related premises uses the

received repair claim data to determine whether a preselected repair claim related

action should be executed (See Abdel-Malek, Col.10, lines 7-59); and having the

computer system display to an user the high level computer expression format of the

repair claim-related expert rules (See Abdel-Malek, Col.10, linnes 7-59).

(H)   As per claim 8, Sampath discloses the method wherein the high level computer

expression format of the repair claim-rule is an English phrase (See Sampath, Col.13,

lines 1-18), wherein the lower level representation of the repair claim –related rule is at

least one line of programming code (See Sampath, Col.13, lines 20-32).

        The motivation for combining the respective teachings of Abdel-Malek and

Sampath are as discussed above in the rejection of claim 1, and incorporated herein.

(I)   As per claim 9, Sampath discloses the method wherein the programming code is

C++ programming code (See Sampath, Col.13, lines 20-32).

        The motivation for combining the respective teachings of Abdel-Malek and

Sampath are as discussed above in the rejection of claim 1, and incorporated herein.

(J)   As per claim 10, Abdel-Malek discloses a computer-implemented vehicle repair

claim processing apparatus, comprising: a computer system having an input for

receiving repair claim data to repair of a vehicle (See Abdel-Malek, Col.19, lines 1-18);

said expert rules being accessible by an user in a high level computer expression

format (See Abdel-Malek, Col.5, lines 4-10).

Abdel-Malek does not explicitly disclose claim expert rules stored in a knowledge

base of the computer system that the computer system uses to determine at least one

response to the input repair claim data based upon the received input repair claim data,

said repair claim expert rules including repair claim- related premises and repair

claim-related actions, wherein at least one of the repair claim-related premises uses the

received repair claim data to determine whether a preselected repair claim-related

action should be executed; said preselected repair claim- related action being used by

the computer system to generate a repair claim-related response.

However, these features are known in the art, as evidenced by Sampath. In

particular, Sampath discloses claim expert rules stored in a knowledge base of the

computer system that the computer system uses to determine at least one response to

the input repair claim data based upon the received input repair claim data (See

Sampath, Col.8, lines 48-67 to Col.9, line 3),

said repair claim expert rules including repair claim- related premises and repair

claim-related actions, wherein at least one of the repair claim-related premises uses the

received repair claim data to determine whether a preselected repair claim-related

action should be executed (See Sampath, Col.12, lines 23-67); said preselected repair

claim- related action being used by the computer system to generate a repair claim-

related response (See Sampath, Col.12, lines 23-67).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to have included the feature of action determined by a diagnostic server, and

the transmission of specific data types directly or indirectly to one or more of a service

provider and /or parts/consumables supplier, the appropriate assistance, repair, parts

and /or suppliers are provided to the electronic system(s) which is predicted to fail or

has failed (See Sampath , Col.3, lines 11-16).

(K)   Claims 11-18 recite the underlying process steps of the elements of claims 2-9,

respectively. As the various elements of claims 2-9 have been shown to be either

disclosed by or obvious in view of the collective teachings of Abdel-Malek and Sampath,

it is readily apparent that the method disclosed by the applied prior art performs the

recited underlying functions. As such, the limitations recited in claims 11-18 are rejected

for the same reasons given above for method claims 2-9, and incorporated herein.

Response to Arguments

5.   Applicant's arguments filed on 7/27/06 with respect to claims 1-18 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The cited but not the applied art teaches methods knowledge

engineering tool (4,658,370).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769.
The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Joseph Thomas can be reached on571-272-6776. The fax phone number
for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

October 14, 2006